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PROTIVA BIOTHERAPEUTICS, INC.,
and MARK J. MURRAY

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SIRNA THERAPEUTICS, INC.,

Plaintiff,

v.

PROTIVA BIOTHERAPEUTICS, INC.,
and MARK J. MURRAY,

Defendants.

Case No. C 06-01361 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER TO FURTHER EXTEND
DEFENDANTS' TIME TO ANSWER
OR OTHERWISE RESPOND TO
THE AMENDED COMPLAINT**

1 The parties herein, by and through their counsel of record, hereby stipulate and agree
2 as follows:

3 WHEREAS plaintiff filed its Amended Complaint on April 25, 2006;

4 WHEREAS the current deadline for defendants to answer or otherwise respond to the
5 Amended Complaint is August 21, 2006;

6 WHEREAS the parties are currently negotiating in good faith to resolve their dispute
7 without legal recourse, the parties respectfully request the Court to extend the defendants' time
8 to answer or otherwise respond to the Amended Complaint to September 5, 2006.

9 NOW, THEREFORE, the parties request that the Court order the following:

10 Defendants' last day to answer or otherwise respond to the Amended Complaint is
11 September 5, 2006.

12 IT IS SO STIPULATED.

13
14 Dated: August 18, 2006

O'MELVENY & MYERS LLP

15
16 By: _____/s/_____
17 Meredith N. Landy

18 Attorneys for Plaintiff
19 SIRNA THERAPEUTICS, INC.

20
21 Dated: August 18, 2006

ORRICK, HERRINGTON & SUTCLIFFE LLP

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23 By: _____/s/_____
24 Elizabeth A. Howard

25 Attorneys for Defendants
26 PROTIVA BIOTHERAPEUTICS, INC.,
27 and MARK J. MURRAY
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CERTIFICATION OF CONCURRENCE

I hereby attest that concurrence in the filing of this document has been obtained from counsel for defendants, Meredith Landy.

Dated: August 18, 2006

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: _____/s/_____

Elizabeth A. Howard
Attorneys for Plaintiff
SIRNA THERAPEUTICS, INC.

ORDER

IT IS SO ORDERED.

Dated: August 21, 2006 _____



The Honorable Maxine M. Chesney
United States District Judge